

CHAPTER 8.48

LINCOLN SMOKEFREE AIR ACT

(Operative date: July 1, 2004)

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8.48.010 Title.

This Chapter shall be known as the Lincoln Smokefree Air Act. (Ord. 18285 §1; December 15, 2003; *operative date: July 1, 2004*).

8.48.020 Purpose.

The City Council does hereby find and declare that the purpose of this Chapter is to protect the health and welfare of employees and the public by requiring nonsmoking and smoking areas to be separated in **all many** places of employment and public places.

It is therefore declared to be the public policy of this City to encourage places of employment and public places to eliminate and prevent the health and safety risks posed by smoking at places of employment and public places. The City Council authorizes the Health Director of the Lincoln-Lancaster County Health Department and law enforcement to administer and enforce this Chapter within the City of Lincoln. (Ord. 18285 §2; December 15, 2003; *operative date: July 1, 2004*).

8.48.030 Definitions; General Provisions.

For the purposes of this Chapter, the following words and phrases shall have the meaning ascribed to them by this Chapter. (Ord. 18285 §3; December 15, 2003; *operative date: July 1, 2004*).

8.48.033 Definition; Bar.

Bar shall mean any indoor area serving as a place of employment or a public place licensed for the sale and service of alcoholic beverages for on-premises consumption and where gross receipts from the sale and service of food constitute less than sixty percent (60%) of gross receipts from all business activity conducted on the premises. (Ord. 18285 §3.3; December 15, 2003; *operative date: July 1, 2004*).

8.48.040 Definition; Employed.

Employed shall mean hired, contracted, subcontracted, or otherwise engaged to furnish goods or services. (Ord. 18285 §4; December 15, 2003; *operative date: July 1, 2004*).

8.48.050 Definition; Employee.

Employee shall mean a person who is employed by an employer in consideration for direct or indirect monetary wage(s), profit, or other remuneration. (Ord. 18285 §5; December 15, 2003; *operative date: July 1, 2004*).

8.48.060 Definition; Employer.

Employer shall mean a person, nonprofit entity, sole proprietorship, partnership, joint venture, corporation, limited partnership, limited liability company, co-op, firm, trust, association, organization, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold, who employs one or more employees. (Ord. 18285 §6; December 15, 2003; *operative date: July 1, 2004*).

8.48.070 Definition; Guestroom or Suite.

Guestroom or suite shall mean sleeping rooms and directly associated private areas, such as bathrooms, living rooms, and kitchen areas, if any, rented to the public for their exclusive transient occupancy including, but not limited to guestrooms or suites in hotels, motels, inns, lodges, or other such establishments. (Ord. 18285 §7; December 15, 2003; *operative date: July 1, 2004*).

8.48.080 Definition; Health Director.

Health Director shall mean the Director of the Lincoln-Lancaster County Health Department or authorized representative(s). (Ord. 18285 §8; December 15, 2003; *operative date: July 1, 2004*).

8.48.090 Definition; Indoor Area.

Indoor area shall mean the area bordered on all sides by a floor to ceiling wall is continuous and solid except for closeable entry/exit doors and windows. (Ord. 18285 §9; December 15, 2003; *operative date: July 1, 2004*).

8.48.100 Definition; International No-Smoking Symbol.

International no-smoking symbol shall mean a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. (Ord. 18285 §10; December 15, 2003; *operative date: July 1, 2004*).

8.48.110 Definition; Place of Employment.

Place of employment shall mean an indoor area under the control of a proprietor that an employee accesses as part of the course of employment without regard to whether work is occurring at any given time. The indoor area shall include, but is not limited to, work areas, employee breakrooms, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, and hallways. A private residence shall not be considered a “place of employment”. (Ord. 18285 §11; December 15, 2003; *operative date: July 1, 2004*).

8.48.120 Definition; Proprietor.

Proprietor shall mean any employer, owner, operator, supervisor, manager or any other person who controls, governs, or directs the activities in a place of employment or public place. (Ord. 18285 §12; December 15, 2003; *operative date: July 1, 2004*).

8.48.130 Definition; Public Place.

Public Place shall mean an indoor area to which the public is invited or in which the public is permitted, whether or not the public is always invited or permitted. A private residence shall not be considered a “public place”. (Ord. 18285 §13; December 15, 2003; *operative date: July 1, 2004*).

8.48.135 Definition; Smoking Breakroom.

Smoking breakroom shall mean a room designated by a proprietor pursuant to Section 8.48.170 within a place of employment or public place where only employees of the proprietor may be allowed to smoke.

8.48.140 Definition; Smoking Room.

Smoking room shall mean a room designated by a proprietor pursuant to Section 8.48.170(4) within a place of employment or public place where smoking may be allowed. (Ord. 18285 §14; December 15, 2003; *operative date: July 1, 2004*).

8.48.150 Definition; Smoke or Smoking.

Smoke or smoking shall mean the lighting of any cigarette, cigar, or pipe; or the possession of any lighted cigarette, cigar, or pipe, regardless of its composition. (Ord. 18285 §15; December 15, 2003; *operative date: July 1, 2004*).

8.48.155 Definition; Smoke Shop.

Smoke shop shall mean any place of employment or public place devoted primarily to the sale of tobacco products and/or smoking accessories. (Ord. 18285 §15.5; December 15, 2003; *operative date: July 1, 2004*).

8.48.160 Smoking Prohibited; Exceptions.

It shall be unlawful for any person to smoke in a place of employment or a public place, except as designated by a proprietor pursuant to Section 8.48.170. (Ord. 18285 §16; December 15, 2003; *operative date: July 1, 2004*).

8.48.162 Proprietor to Prohibit Smoking: Exception Allowed by Permit.

It shall be unlawful to smoke in any public place or place of employment except where allowed by this Chapter.

It shall be unlawful for any proprietor of any place of employment or public place to allow smoking unless the proprietor has obtained a permit pursuant to this Chapter. A permit may be issued by the Health Director as provided in Section 8.48.170.

8.48.170 ~~Proprietor to Prohibit Smoking; Exceptions.~~ Permit: Smoking Allowed.

(a) ~~It shall be unlawful for a proprietor of any place regulated by this Chapter to allow smoking in any place~~ The Proprietor shall obtain a permit to allow smoking in any of the following places of employment or public place, ~~except as follows:~~

(1) In guestrooms or suites ~~may be~~ designated as an indoor area where smoking is allowed, however, the number of rooms or suites designated for smoking must be reasonably proportionate to the preference of the users.

(2) At times when a scientific or analytical laboratory, governed by state or federal law, or a laboratory at a college or university approved by the Nebraska Coordinating Commission for

Post Secondary Education, is conducting research into the health effects of smoking, smoking may be allowed as part of the study.

(3) In an employee breakroom that has been designated as an indoor area where smoking is allowed (“smoking breakroom”) by employees, provided that the following requirements are met:

(i) Only employees of the proprietor shall be allowed to smoke within the smoking breakroom; and

(ii) An employee breakroom designated for nonsmoking (“nonsmoking breakroom”) shall be provided. It shall have at least the same size and amenities as the smoking breakroom; and

(iii) The smoking breakroom shall not serve as a work area for any employee and no employee shall be required to enter the smoking breakroom in order to reach the employee’s work area. This prohibition shall not apply to employees providing janitorial and maintenance services within the smoking breakroom; and

(iv) The smoking breakroom shall be separated from the rest of the place of employment or public place, and from any other adjacent or connected place of employment or public place, by solid walls, floors, ceiling, and doors equipped with automatic closing mechanisms; and

(v) The smoking breakroom shall be at negative air pressure with respect to the rest of the place of employment or public place, and from any other adjacent or connected place of employment or public place, so as to prohibit the flow of air from the smoking breakroom into the place of employment or public place; and

(vi) The smoking breakroom’s air shall be immediately exhausted to the outside of the building by an exhaust fan rather than being recirculated within the smoking breakroom or any place of employment or public place; and

(vii) No person under the age of eighteen shall be allowed to enter the smoking breakroom.

(4) In a single smoking room within any place of employment or public place, provided that it meets the following requirements:

(i) The smoking room shall be separated from the rest of the place of employment or public place, from any other adjacent or connected place of employment or public place, by solid walls, floors, ceiling, and doors equipped with automatic closing mechanisms; and

(ii) The smoking room shall be at negative pressure with respect to any adjacent or connected place of employment or public place to prohibit the flow of air from the smoking room into the nonsmoking portion of the place of employment or public place; and

(iii) The smoking room's air shall be immediately exhausted to the outside of the building by an exhaust fan rather than being recirculated within the smoking room or any place of employment or public place; and

(iv) The maximum size of the smoking room shall be reasonably proportionate to the preference of the users of the place of employment or public place; and

(v) Any service or amenity which the place of employment or public place chooses to provide to the public or employees within the smoking room shall also be available to the public or employees in the rest of the place of employment or public place. Service or amenity shall include, but is not limited to television, musical entertainment, and seating; and

(vi) No member of the public nor any employee shall be required to enter the smoking room in order to access common areas of the place of employment or public place, including but not limited to, hallways, restrooms, lobbies, and waiting rooms; and

(vii) No person under the age of eighteen shall be allowed to enter the smoking room.

(5) Smoking by an actor or actress as part of the character role in a theatrical production, if smoking is an integral part of the story.

(6) In a smoke shop, provided that it meets the following requirements:

(i) The smoke shop shall be separated from any other place of employment or public place by solid walls, floors, ceiling, and doors equipped with automatic closing mechanisms; and

(ii) The smoke shop shall be at negative pressure with respect to any adjacent or connected place of employment or public place to prohibit the flow of air from the smoke shop into another place of employment or public place; and

(iii) The smoke shop are shall be immediately exhausted to the outside of the building by an exhaust fan rather than being recirculated within the smoke shop; and

(iv) No person under the age of eighteen shall be allowed to enter the smoke shop; and

(v) The smoke shop shall not sell or serve alcoholic beverages.

(7) In a bar, provided that it meets the following requirements:

~~(i) The licensed manager of the bar shall have placed on file in the office of the City Clerk an affidavit verifying that the gross receipts from the sale and service of food constitute less than 60% of gross receipts from all business activity conducted on the premises. If the proprietor of the bar is a different person than the licensed manager, the proprietor shall also have the duty to file the same affidavit; and~~

~~—————(ii) The affidavit(s) shall be renewed at least annually, upon the earlier of the filing of an application for renewal of the liquor license for the bar, or the filing of an application for designation of a new manager for the bar; and~~

(iii i) All employees shall have been informed of the fact that smoking is permitted on the premises and that the employee will be exposed to the health risks associated with smoking whether or not the employee smokes.

(iv ii) No person under the age of eighteen shall be allowed to enter a bar.

(b) The proprietor shall have an affirmative defense to any violation of this section if the proprietor (1) verbally requested a person to refrain from smoking within a public place or place of employment where smoking is prohibited; and (2) took every reasonable step to prohibit the person from smoking. “Reasonable step” shall not require the physical ejection of a person by the proprietor from the place of employment or public place.

(c) This Chapter shall not be interpreted or construed to permit smoking where smoking is otherwise restricted by other applicable laws.

(Ord. 18285 §17; December 15, 2003; *operative date: July 1, 2004*).

8.48.180 Signs Required; Requirements.

(a) If smoking is not allowed by this Chapter and/or by the proprietor, the proprietor shall post at least one sign at all entrances of the place of employment or public place used by employee(s) or the public containing only the international no smoking symbol or only the words “no smoking,” or only the words “no smoking under penalty of law.”

(b) If smoking is allowed in conformance with this Chapter and by the proprietor within designated areas, the proprietor shall post at least one permanent sign at all entrances of the place of employment or public place used by employee(s) or the public containing only the words “no smoking except in designated area under penalty of law,” and

(1) Each guestroom or suite designated as an indoor area where smoking is allowed shall have a permanent sign posted which indicates smoking is allowed within the guestroom or suite. The sign shall include the words “smoking allowed.” Each letter shall be one inch or larger in size. There shall be a separately posted sign on each entrance of the guestroom or suite.

(2) Each indoor area where research is being conducted, pursuant to Section 8.48.170(2), that requires a person to smoke, shall have a temporary sign posted on all entrances used by employee(s) or the public indicating that smoking is being allowed for the purposes of the research.

(3) Each smoking breakroom, designated pursuant to Section 8.48.170(3), and each smoking room designated, pursuant of Section 8.48.170(4) shall have a sign posted indicating that smoking is allowed within the smoking breakroom or smoking room. The signs shall include the words “smoking allowed.” Each letter shall be one inch or larger in size. There shall be a separately posted sign on each entrance to the smoking breakroom or smoking room.

(c) Each indoor area where an actor or actress is to be smoking, pursuant to Section 8.48.170(5), shall have a temporary sign posted on all entrances used by employee(s) or the public indicating that the actor or actress will be smoking as part of the theatrical production. (d) If smoking is allowed in conformance with this Chapter and by the proprietor in a bar or smoke shop in the entirety, the proprietor shall post at least one permanent sign at all entrances of the bar or smoke shop used by employee(s) or the public containing only the words “smoking allowed in entire establishment.”

~~(e)~~ (e) Proprietors shall conspicuously post or display required signs so that the signs are readily viewable by employee(s) and the public.

(f) In areas where a Proprietor is allowing smoking pursuant to this Chapter, signs shall be posted indicating that minors are not allowed in areas where smoking is allowed. The proprietor shall post at least one permanent sign at all entrances to areas where smoking is allowed containing only the words “no person under the age of eighteen allowed under penalty of law”.

(g) All signs required by this section must be approved by the Health Department.
(Ord. 18285 §18; December 15, 2003; *operative date: July 1, 2004*).

8.48.182 Permit.

(a) An application for a permit to allow smoking pursuant to Section 8.48.170 shall be submitted to the Health Director on forms provided by the Health Director. Each application shall include:

(1) The proprietor's full name, mailing address, phone number, and a statement identifying the proprietor;

(2) If the proprietor is a partnership, the name, mailing address and phone number of each partner;

(3) The place of employment or public place's name, location, a description of the indoor area to be included in the permit, and a description of the services to be provided or products sold;

(4) A to scale drawing of all pertinent aspects of the indoor area where smoking is to be allowed, including:

(i) For guestrooms or suites to be designated as smoking, the drawing must show which guestrooms or suites will be smoking and which will be non-smoking. A list of room numbers for each category (non-smoking and smoking) shall be provided.

(ii) For all other indoor areas where smoking is to be allowed, the drawing shall include a detailed description of the ventilation system and the physical separation provided by walls, floors, ceiling and doors, where required by this Chapter.

(5) The signature of the proprietor;

(6) A detailed description of how the preference of the users was determined, where required by this Chapter;

(7) Permit fees; and

(8) Such other pertinent information to be determined by the Health Director.

(b) If more than one place of employment or public place is owned by a proprietor, a separate application and fee shall be required for each location of the place of employment or public place.

(c) The fees for permit(s) shall be as follows:

(1) Plan Review: Smoking Rooms, Smoking Breakrooms, Bars, Smoke Shops

Plan Review

\$200/area or room

<u>(2) Permit Fee: Per area or room</u>	<u>Initial</u>	<u>Renewal</u>
<u>Smoking room or Smoking Breakroom</u>	<u>\$300</u>	<u>\$200</u>
<u>Bar or Smoke Shop</u>	<u>\$300</u>	<u>\$200</u>
<u>(3) Permit Fee: Smoking guestrooms or suites</u>	<u>\$300</u>	<u>\$200</u>

(4) Any new permit issued after the thirtieth of April of each calendar year shall pay seventy percent (70%) of the yearly permit fee, the fee for plan review shall not be prorated. Renewal of permits shall be as required in this Chapter. The fees shall be payable to the Lincoln-Lancaster County Health Department. The Health Director shall deposit the fees at the City Treasurer's Office. The City Treasurer shall credit the fees to the Health Fund.

(5) A proprietor who fails to renew the permit before it expires, but within thirty days of the date of expiration shall pay a late fee of \$100.00, in addition to the renewal fee.

(6) A proprietor who fails to renew the permit before it expires and fails to renew the permit within thirty days from the date of expiration shall pay a late fee of \$200.00, in addition to the renewal fee.

(7) It shall be unlawful for a proprietor to continue to allow smoking within the place of employment or public place when the proprietor fails to renew the permit before it expires. The proprietor would be operating without a valid permit to allow smoking, and the place of employment or public place shall be subject to closure or any other appropriate enforcement action determined by the Health Director.

(d) Upon receipt of a complete application for a new permit, completion of the plan review, or construction, whichever is later, the Health Director shall make an inspection of the proprietor's place of employment or public place to determine if the place of employment or public place complies with the provisions of the Chapter and any other applicable law or standard.

(1) If the results of an application and inspection of a place of employment or public place comply with the provisions of this Chapter, a permit to allow smoking pursuant to Section 8.48.170 shall be issued within a reasonable time not to exceed fourteen days.

(2) Upon receipt of an application for a permit renewal and the applicable fees, the Health Director may issue the permit without conducting an inspection.

(3) A permit issued hereunder is strictly limited to the proprietor and the place of employment or public place specified in the permit.

(4) A permit shall be non-transferable from one proprietor to another or from one place of employment or public place to another.

(5) Any change of proprietor or location of the place of employment or public place shall require a new application, with the payment of fees therefor.

(6) The Health Director may refuse to issue or may suspend or revoke a permit if the proprietor:

(i) Has been convicted in this or any other state of a crime related to allowing smoking without a permit or a Clean Indoor Air Act.

(ii) Has violated provisions of this Chapter which are determined by the Health Director to pose immediate health risk to the proprietor, employees, or the public.

(e) All permits granted under the provisions of this Chapter shall expire on the thirty-first day of October following the date of their issuance, unless revoked prior thereto as provided in this Chapter.

8.48.184 Inspection.

(a) The Health Director shall conduct an inspection of each place of employment or public place before the new permit is issued.

(b) The Health Director shall conduct periodic inspections of each permitted place of employment or public place.

(c) A proprietor shall permit the Health Director to inspect at any reasonable time for the purpose of determining compliance with the provisions of this Chapter.

(d) The Health Director shall record the inspection findings on an inspection report. The Health Director shall furnish the original inspection report to the proprietor.

(e) The inspection report shall:

(1) Set forth specific conditions found; and

(2) Establish a specific and reasonable period of time for correction of violations of the provisions of this Chapter, if any; and

(3) State that failure to correct the violations within the period of time specified may result in immediate suspension or revocation of the permit and prosecution for violation of this Chapter; and

(4) State that the proprietor may request a hearing before the Health Director upon such inspection findings by filing a written request with the Health Director within fourteen (14) days of the inspection.

(f) A warning notice may be issued for violations when the Health Director determines there is an imminent health risk. Such warning notice shall:

(1) Set forth specific conditions found; and

(2) Establish a specified and reasonable period of time for correction of such violations;

and

(3) State that failure to comply with the warning notice may result in immediate suspension or revocation of the permit and prosecution for violation of this Chapter; and

(4) State that proprietor may request a hearing before the Health Director upon such inspection findings and warning notice by filing a written request with the Health Director.

(g) After the time period given for correction in the inspection report or warning notice, the Health Director shall reinspect the place of employment or public place to determine compliance.

(h) The completed inspection report form and the warning notice are public documents that shall be made available for public disclosure to any person who requests it according to law.

8.48.186 Permit: Suspension, Revocation, and Notice.

(a) It shall be a condition of any permit issued under this Chapter that it may be suspended or revoked at any time by the Health Director for the violation of the statutes of the State of Nebraska or any of the provisions of this Chapter or ordinances of the City of Lincoln by causing an immediate and substantial hazard to the public health. Any permits granted under this Chapter shall be subject to suspension or revocation in the following manner:

(1) The Health Director shall notify the proprietor as provided in this Chapter.

(2) The Health Director may suspend the permit for an appropriate period of time not to exceed ninety days.

(3) The suspension or revocation shall be effective immediately upon notice.

(4) The proprietor shall have a right to a hearing in which the Health Director shall conduct in accordance with this Chapter.

(5) It shall be unlawful for a proprietor to continue to allow smoking within the place of employment or public place after the proprietor receives notice of suspension or revocation. The

proprietor would be operating without a valid permit to allow smoking, and the place of employment or public place shall be subject to closure or any other appropriate enforcement action determined by the Health Director.

(6) Actions for reinstatement, hearing, or appeal shall not stay or delay the suspension or revocation in any manner.

(b) Any proprietor whose permit has been suspended may apply for reinstatement of such permit. The application shall provide the same information as for a new permit and shall also include a statement signed by the proprietor that the conditions causing suspension of the permit have been corrected. Any proprietor eligible for reinstatement shall pay a reinstatement fee of \$150.00 in addition to any other applicable fees. The Health Director shall not reinstate the permit until the reinstatement fee is paid.

(c) The Health Director shall inspect or review the application as for a new permit, except, the Health Director shall make the inspection within three days after receiving the application for reinstatement and the reinstatement fee. The Health Director shall make a determination if a permit shall be reinstated within five days after receiving the application for reinstatement and the reinstatement fee.

(d) The Health Director shall reissue or reinstate the permit if the conditions causing suspension of the permit have been corrected and upon payment of any reinstatement fee provided for in this Chapter.

(e) Any proprietor whose permit has been revoked by the Health Director will qualify for reinstatement. The proprietor must make an application for a new permit and cannot obtain a new permit until at least ninety days have passed since the date of the revocation notice.

(f) The Health Director may serve notice as follows:

(1) By personal service to the proprietor; or

(2) By certified mail, postage prepaid, return receipt requested to the proprietor's last known address.

(g) The person making personal service may provide a written declaration under penalty of perjury identifying the person served and the time, date, and manner of service as proof of service.

(h) If the service on a proprietor is to a person other than the proprietor, the Health Director may send a copy of the notice to the proprietor by regular mail. The copy is not required as part of the notice, and receipt of the copy does not affect the notice.

8.48.188 Enforcement Hearing.

(a) The Health Director shall conduct a hearing no later than:

(1) Three days after a request for a hearing after a suspension or revocation.

(2) Fourteen days after any other request.

(b) The Health Director may appoint a suitable hearing officer to hear the matter. Such hearing officer shall make recommendations based on the evidence adduced at the hearing for the Health Director's final determination of the matter.

(c) The hearing need not be conducted according to the technical rules relating to evidence and witnesses. The person requesting the hearing and the Health Director may:

(1) Call and examine witnesses on any matter relevant to the issues of the hearing;

(2) Introduce documentary and physical evidence;

(3) Cross examine opposing witnesses on any matter relevant to the issues of the hearing; and

(4) Rebut evidence.

(d) The Health Director may uphold, reverse, or modify the findings of the hearing officer. The Health Director may also take other reasonable actions as the Health Director may determine proper in relation to the request.

(e) The Health Director shall make a final determination within ten days after the hearing.

(f) The Health Director's decision shall be final and binding upon the City and upon the person making the request.

(g) Appeals:

(1) If the Health Director denies any application or fails or refuses to issue a permit under this Chapter within forty-five days from the date of application, such decision may be appealed to the district court as provided for by state law.

(2) Any proprietor aggrieved by a final decision of the Health Director in the administration or enforcement of this Chapter may appeal such decision to the district court as provided by state law.

8.48.190 Enforcement.

The Health Director and law enforcement agencies are hereby authorized to inspect a place of employment or public place, including all accounting records of the place of employment or public place, at any reasonable time to determine compliance with this Chapter. (Ord. 18285 §19; December 15, 2003; *operative date: July 1, 2004*).

8.48.200 Violations and Penalties.

(a) A person who smokes in a place of employment or a public place in violation of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of up to five hundred dollars (\$500) together with costs and/or up to six (6) months in jail with:

- (1) A minimum fine of one hundred dollars (\$100) and costs for the first offense.
- (2) A minimum fine of two hundred dollars (\$200) and costs for the second offense.
- (3) A minimum fine of five hundred dollars (\$500) and costs for the third and

subsequent offenses.

(b) A proprietor of a place of employment or public place upon whom a duty is placed by the provisions of this Chapter, who shall fail, neglect, or refuse to perform such duty, or who shall knowingly violate any of the provisions hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of up to five hundred dollars (\$500) together with costs and/or up to six (6) months in jail with:

- (1) A minimum fine of one hundred dollars (\$100) and costs for the first offense.
- (2) A minimum fine of two hundred dollars (\$200) and costs for the second offense.
- (3) A minimum fine of five hundred dollars (\$500) and costs for the third and

subsequent offenses.

(c) Each individual violation and each day that the violation continues to exist shall constitute a separate and distinct offense and shall be punishable as such.

(d) Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Chapter by an officer, manager, supervisor, agent, or employee of any proprietor, if said act or omission is made with the authorization, knowledge, or approval of the proprietor, shall be deemed and held to be the act or omission of such proprietor, and said proprietor shall be punishable in the same manner as if said act or omission had been committed by such proprietor personally.

(e) The violations of any of the provisions of this Chapter by a proprietor shall be cause sufficient to justify the revocation or suspension of any permit or license that the proprietor has received from the City of Lincoln for the place of employment or public place. Such revocation or suspension shall be cumulative with the penalty imposed by this Chapter, any other ordinance of the City of Lincoln, and any other penalty or remedial consequence imposed by law. (Ord. 18285 §20; December 15, 2003; *operative date: July 1, 2004*).

8.48.210 Severability.

Each section and subsection of this Chapter is hereby declared to be independent of every other section or subsection of this Chapter and invalidity of any section or subsection of this Chapter

shall not invalidate any other section or subsection thereof. (Ord. 18285 §21; December 15, 2003; *operative date: July 1, 2004*).